

**BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION**

INQUIRY CONCERNING A JUDGE, NO. 01-244

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**AMENDED NOTICE OF FORMAL PROCEEDINGS**

TO: The Honorable Charles W. Cope, Circuit Judge, Sixth Judicial Circuit, c/o Louis Kwall, Kwall, Showers & Coleman, P.A., 133 North Ft. Harrison Avenue, Clearwater, Florida 33755

THIS IS TO ADVISE that the Investigative Panel of the Florida Judicial Qualifications Commission, by a vote of not less than five members at its meeting held in Tampa, Florida on November 9, 2001, has determined, in accordance with Article V, Section 12 of the Constitution of the State of Florida and Rule 6 of the Rules of the Florida Judicial Qualifications Commission, as revised, that probable cause exists for formal charges of violations of Canons 1, 2, 3, and 5 of the Code of Judicial Conduct to be brought against you, and for formal proceedings to be instituted for the trial of those charges. Such formal proceedings are hereby instituted to inquire into the following charges:

1.  
Public Intoxication

In the early morning hours of April 4, 2001, while in Carmel-by-the-Sea, California for a judicial conference, you became intoxicated from alcohol and wandered the public streets.

You wandered onto the premises of the Normandy Inn and began eavesdropping on the personal conversation of a grown woman and her mother, who were sitting outside their shared, second-floor hotel room.

You then went up the stairs and interposed yourself into the women's conversation.

When the women discovered that the door to their hotel room was locked and they could not find their key, you suggested they come to your hotel room at the La Playa Hotel a few blocks away.

You and the two women began walking down the middle of the public street in an obviously

intoxicated state and were picked up by a police officer, who drove the three of you to your hotel.

During the evening of April 4 and early morning hours of April 5, 2001, you again became very intoxicated in public and wandered the streets.

By your own admission, you were so intoxicated that you could not remember what you did or where you went.

The inappropriate nature of your conduct was exacerbated by the fact that your conduct occurred while attending an out-of-state judicial conference at taxpayer's expense and the public location of much of your conduct.

**2.**  
**Theft**

While talking with the two women outside their hotel room, you surreptitiously took the daughter's key to their shared hotel room.

Alternatively, after the women lost the key, you found it and took it into your possession.

You never returned the key to the women or to the hotel.

**3.**  
**Inappropriate Conduct of an Intimate Nature**

After the police officer returned the two women to their hotel room during the early morning hours of April 4, 2001, you returned to the women's room and asked the daughter to walk with you on the beach.

You subsequently engaged or attempted to engage in conduct of an intimate nature with the daughter, who was obviously intoxicated and in an emotionally vulnerable state.

Regardless of whether the daughter initiated the intimate conduct or actively resisted sexual advances by you, your conduct tends to undermine the public's confidence in the judiciary and demeans the judicial office.

The inappropriate nature of your conduct was exacerbated by your intoxicated state, the fact that your conduct occurred while attending an out-of-state judicial conference at taxpayer's expense, and the public location of much of your conduct.

**4.**  
**Prowling and Attempted Forcible Entry**

In the early morning hours of April 5, 2001, you willfully loitered, prowled, or wandered onto the premises of the Normandy Inn without having visible or lawful business with the owner or occupants thereof.

While on the premises of the Normandy Inn, you attempted to open the door of a hotel room inhabited by the two women you met the night before and peered inside without having visible or lawful business with the owner or occupants thereof.

Specifically, you used the key you had taken the night before to open the door. Only the chain lock on the door prevented you from entering the room without the women's consent.

When you realized that the chain lock was in place, you attempted to break the door in forcibly.

You fled when the women dialed 911.

5.

#### Making a Material False Statement to the Police

Shortly thereafter, you were arrested by the Carmel Police Department while walking on the street toward your hotel.

You made a material false statement to the arresting officer by telling him that you were walking directly back to your hotel from a restaurant where you had just been, even though the restaurant had closed approximately two hours earlier.

6.

#### Failure to Disclose Arrest

Upon your return to Florida, you returned to the bench to sit as a judge without disclosing to the Commission or anyone else that you had been arrested.

Only when the chief judge of your circuit directly asked, did you admit that you had been arrested.

You continued, however, to sit on the bench without disclosing the arrest to the Commission or to any of the parties appearing before you.

You did not disclose or agree for anyone else to disclose your arrest to the Commission until the arrest was reported in the local newspaper.

Your arrest and the surrounding circumstances might have led a reasonable litigant appearing before you to question your impartiality and your ability to serve as a judge.

Your failure promptly to address your arrest with the Commission undermined the public's confidence in the integrity of the judiciary.

Such conduct as described above, if true, would constitute conduct unbecoming a member of the judiciary, could demonstrate your present unfitness to hold the office of a judge, could warrant discipline as a judge, including removal from office or other discipline as provided by Article V, Section 12 of the Constitution of the State of Florida, and could warrant additional discipline as a lawyer.

You are hereby advised that you have the right to file a written answer to these formal charges within twenty (20) days after service of this notice upon you.

Dated this \_\_\_\_\_ day of December, 2001.

INVESTIGATIVE PANEL OF THE FLORIDA  
JUDICIAL QUALIFICATIONS COMMISSION

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### **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing has been furnished by U.S. First Class mail, to The Honorable Charles W. Cope, Circuit Judge, Sixth Judicial Circuit, c/o Louis Kwall, Kwall, Showers & Coleman, P.A., 133 North Ft. Harrison Avenue, Clearwater, Florida 33755, facsimile number (727) 447-3158, this \_\_\_\_ day of December, 2001.

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Attorney